

REMARKS

Upon entry of the present amendment, claims 1, 3, and 5 will have been amended, without narrowing the scopes thereof and no claims will have been canceled. Claims 6-17 are being submitted for the Examiner's consideration.

In the outstanding Official Action, the Examiner rejected claims 1, 4, and 5 under 35 U.S.C. § 103(a) as being unpatentable over PARULSKI et al (US 5,900,909) in view of OKANO et al (US 5,402,197). The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over PARULSKI et al (US 5,900,909) in view of OKANO et al (US 5,402,197) and in further view of HARA et al (US 5,686,665). Further, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over PARULSKI et al (US 5,900,909) in view of OKANO et al (US 5,402,197) and in further view of NAKAJIMA et al (US 5,669,147).

Applicants respectfully traverse the above rejections and submit that they are inappropriate with respect to the claims pending in the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all the claims in the present application, in due course.

Applicants would like to thank the Examiner for acknowledging the claim of priority and indicating that certified copies of the priority documents have been received.

Turning to the merits of the Examiner's rejection and with particular attention to the rejection applied to independent claim 1, Applicants respectfully submit that the shortcomings and deficiencies of the PARULSKI et al and OKANO et al references are such as to render the Examiner's rejection of the claims inappropriate and improper under 35 U.S.C. § 103(a).

Applicants' invention is directed to a (digital) camera with a position sensor that detects the position of the camera body relative to the direction of gravity and at least one acceleration sensor that detects the acceleration acting upon the camera body. In particular, if the magnitude of the acceleration detected by the at least one acceleration sensor is smaller than a predetermined value, the controller records the image data in the memory together with the position data that was detected by the position sensor. However, if the magnitude of the acceleration detected by the at least one acceleration sensor is equal to or greater than a predetermined value, the controller determines the position data to be invalid and records the image data without the position data in the memory. It is respectfully submitted that the camera, as recited in detail in claim 1, is not taught, disclosed, nor rendered obvious by the combination of references applied by the Examiner.

In the rejection of claim 1, the Examiner admitted that PARULSKI lacks "at least one acceleration sensor which detects an acceleration acted upon said camera body" and a "controller, wherein if the magnitude of said acceleration detected by said at least one

acceleration sensor at the time said image capture is produced is smaller than a predetermined value, said controller records said image data in said memory together with data on a position of said camera body that is detected by said position sensor at the time said captured image is produced, and wherein if said magnitude of said acceleration detected by said at least one acceleration sensor at the time the captured image is produced is equal to or greater than said predetermined value, said controller deems said data on said position of said camera body as invalid data and records only said image data in said memory". Thus, the Examiner relies upon OKANO for supplying the deficiencies of PARULSKI. However, OKANO also lacks the limitations of claim 1 that the Examiner readily admits as to as not being taught in the PARULSKI reference. In particular, neither PARULSKI or OKANO, teach recording or not recording the position data detected by the position sensor based on the magnitude of acceleration, which is detected by at least one acceleration sensor.

OKANO does not teach a controller, wherein if the magnitude of the acceleration detected by the at least one acceleration sensor at the time the captured image is obtained is smaller than a predetermined value, the controller records the image data in the memory together with data on a position of the camera body that is detected by the position sensor at the time the captured image is obtained. OKANO, on the other hand, merely teaches that if the camera shake quantity is not larger than the allowable camera shake quantity, then the next step is to determine if the release switch is depressed (e.g.,

Column 7, lines 6-31). Depending on whether the release switch is depressed or is not depressed, the camera either goes back to step S1 or a photo is taken and the action comes to an end (e.g., Column 7, lines 6-31). Thus, in OKANO, there is no teaching of a controller that records said image data in said memory together with position data.

Furthermore, OKANO does not teach a controller, wherein if the magnitude of the acceleration detected by the at least one acceleration sensor at the time the captured image is produced is equal to or greater than said predetermined value, the controller determines that the data on said position of the camera body as invalid data and records the image data in the memory without the position data. Instead, OKANO merely teaches that if it is judged that the camera shake quantity is greater than the allowable camera shake quantity, then the alarming circuit gives forth the alarming sound (e.g., Column 7, lines 6-19), which merely indicates that the camera shake quantity exceeded the allowable camera shake quantity.

In OKANO, there is no disclosure of the claimed invention as recited in claim 1, particularly of deeming that the position data of the camera body is invalid data and not recording the position data with the image data based on the magnitude of acceleration at least because the invention as disclosed by OKANO is directed towards a camera shake alarm and not towards the Applicants' invention of a camera with a position sensor and a controller that is able to determine if the data on said position of said camera body is invalid data based on the magnitude of the acceleration detected by at least one

acceleration sensor. PARULSKI also does not teach determining that the position data of the camera body is invalid. Therefore, PARULSKI and OKANO, in combination or alone, do not teach or suggest all of the limitations of claim 1. In particular, the references, cited by the Examiner, do not teach, suggest, or render obvious an invention, which records or does not record position data depending upon the magnitude of the acceleration detected.

Additionally, in regards to the rejection of claim 1, the Examiner states that PARULSKI “could be modified” (e.g., page 3 of the Office Action) to have a camera-shake alarming system as disclosed by OKANO. However, “could be modified” does not provide sufficient rationale in support of an obviousness rejection.

In addition to the references not teaching the limitations as recited in claim 1, the Examiner presents no convincing line of reasoning and presents no express or implied teaching in the references to suggest the obviousness of the position information not being recorded when a predetermined camera acceleration is exceeded. In order for the Examiner to support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

Further, the Examiner has neither shown in the rejection that the references expressly or impliedly suggest the claimed invention nor has the Examiner presented a convincing line of reasoning in the rejection as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. The Examiner has not provided reasoning and motivation as to why one of ordinary skill in the art would combine the teachings of PARULSKI and OKANO especially since the invention taught by PARULSKI is directed towards ensuring that a stored image has a proper orientation so that it can be correctly displayed on the screen of a player/computer without need for a special application program (e.g., Column 2, lines 45-57), while the camera shake alarm, taught by OKANO, is directed towards preventing image blur before photo capture (e.g., Column 3, lines 43-48). Accordingly, PARULSKI and OKANO, in combination or alone, do not provide an appropriate basis for a rejection of any of the claims in the present application.

Thus, in view of the amendments and arguments herein, Applicants submit that claim 1 is now in condition for allowance. With regard to dependent claims 2-5, Applicants assert that they are allowable on their own merit, at least because they depend either directly or indirectly from independent claim 1, which Applicants have shown to be allowable.

Applicants have also added claims 6-17 for the Examiner's consideration. Claims 6-17 adds no prohibited new matter and recites features, which Applicants submit are clearly allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in any proper combination, and an indication to such effect is respectfully requested, in due course.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims, including newly submitted claim 6-17, in view of the herein-contained remarks.

Additionally, Applicants would like to thank the Examiner for acknowledging the claim of priority and indicating that certified copies of the priority documents have been received.

SUMMARY AND CONCLUSION

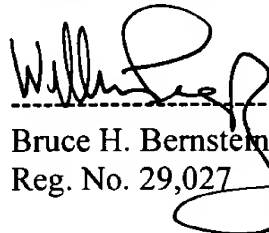
Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have amended the claims to enhance clarity only and argued their allowability. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the recited claims therein are respectfully requested and now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

March 5, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Respectfully submitted,
Atsushi FUCHIMUKAI et al



Bruce H. Bernstein
Reg. No. 29,027

33630